



PATENT
Attorney Docket 059742-5001-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David H. Wagner)	Confirmation No: 1193
)	
Application No. 10/563,570)	Group Art Unit: 1641
)	
Filed: August 25, 2006)	Examiner: Lisa V. Cook
)	
For: Methods for Predicting Development of)	Date: July 23, 2007
Auto-Immune Diseases and Treatment)	
of Same)	

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement, dated June 21, 2007, Applicants respectfully elect with traverse the invention of Group I, claims 1-8 and 27, drawn to a method for determining an auto-immune disease comprising determining the level of CD40^{lo}CD40^{hi} T-cells in a sample of blood from a subject.

Applicants respectfully traverse the Restriction Requirement because the inventions of Groups I-III are linked by a special technical feature. As acknowledged by the Office Action, the special technical feature of the inventions is the measurement/detection of CD40^{lo}CD40^{hi} T-cells. The Office Action also alleges that this special technical feature is taught by Wagner *et al.* (PNAS, 2002, 99(6), 3782-3787) and therefore, does not define a contribution which each of the claimed inventions make over the prior art.

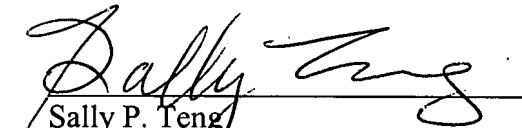
Applicants respectfully point out that the reference of Wagner *et al.* does not disclose that the results from auto-immune mice are predictive of type 1 diabetes. The reference only teaches that T-cells expressing CD40+ are present in NOD mice. The reference does not teach that the level of CD40+ T-cells is predictive of type 1 diabetes.

Accordingly, the inventions of Groups I-III are linked by a special technical feature that defines a contribution that each of the claimed inventions make over the prior art. Therefore, Applicants respectfully submit that the inventions of Groups I-III should be searched and examined in the present application.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,
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